

## REMARKS

The claims are 20-26 and 34-36. Claim 20 has been amended to better define the invention. Claims 27-33 have been cancelled without prejudice or disclaimer in view of a restriction requirement. Favorable reconsideration of the claims is respectfully requested.

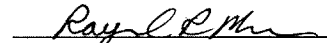
Claims 20-26 and 34-36 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly being non-enabling. Applicants respectfully disagree with the Examiner's position and note the disclosure at page 2 paragraph 4 of the specification describing the meaning of centers and paragraph 6 which describes centers that are thermally sensitive, i.e., "melt at a relatively low temperature (e.g., greater than about 50°C) or are otherwise unstable at elevated temperatures or mildly elevated temperatures." However, solely to expedite prosecution, and without agreeing with the propriety of the Examiner's rejection, Applicants have amended claim 20 in accordance with the helpful suggestion of the Examiner to recite "thermally sensitive confectionery centers". Accordingly, this rejection is now moot.

Claims 20-26 and 34-36 stand rejected for non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1-15 of U.S. Patent No. 6,638,550. Applicants have submitted a terminal disclaimer herewith. Thus, this rejection has been overcome.

In view of the foregoing, it is respectfully requested that the case is now in form for allowance and it is requested that it be passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
Attorney for Applicants  
Raymond R. Mandra  
Reg. No. 34,382

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

FCHS\_WS 1415014\_1.DOC

02280.002610.1

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
Jeffrey A. Banko et al	:	Examiner: Not yet assigned
	)	
Application No.: 10/658,296	:	Group Art Unit: 1762
	)	
Filed: September 10, 2003	:	
	)	
For: METHOD AND APPARATUS	:	
FOR COATING CENTERS	:	August 3, 2007
	)	
	:	
	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Your petitioner, MARS INCORPORATED, a corporation duly organized under the laws of Delaware, having a principal office at 6885 Elm Street, McLean, Virginia 22101, and duly represented by the undersigned, represents that it is the assignee of the full title and interest in and to the above-identified Application No. 10/658,296 filed September 10, 2003, as evidenced by the deed of Assignment recorded on August 29, 2000 at Reel No. 011053 and Frame Nos. 0861, 0871 and 0879.

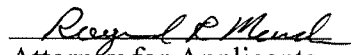
Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,638,550, as presently shortened by any terminal disclaimer, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,638,550, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of any U.S. Patent No. 6,638,550, as presently shortened by any terminal disclaimer, in the event that subsequent hereto U.S. Patent No. 6,638,550 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is the subject of any disclaimer under 37 C.F.R. 1.321(a), has all claims cancelled by a re-examination certificate or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

A check in the amount of \$130.00 is enclosed to cover the fee set forth in 37 C.F.R. §1.20(d). Please charge any additional fee required, and credit any overpayment, to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
Attorney for Applicants  
Raymond R. Mandra  
Reg. No. 34,382

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

FCHS\_WS 1479611\_1.DOC